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Progress report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, and provides an update on developments in the peace process since my report dated 4 September 2003 (S/2003/858). The report also describes the deployment and activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), whose current mandate expires on 15 March 2004.

II. Status of the Temporary Security Zone and adjacent areas

2. Despite the serious difficulties in the peace process resulting from continuous delays in implementation of the decision of the Eritrea-Ethiopia Boundary Commission (EEBC) and unhelpful inflammatory rhetoric of the parties in this regard, the overall situation in the Temporary Security Zone and the adjacent areas remained relatively stable during the period under review. In fulfilment of its mandate, UNMEE continued to monitor the positions of the parties' armed forces on both sides of the Zone, as well as to observe the activities of the Eritrean militia and police in and around the Zone. Cooperation with the parties on the ground remained relatively good, although Eritrea continues to hinder UNMEE freedom of movement in the Zone and areas adjacent to it.

3. While there was a noticeable increase in military training exercises in September and October 2003 on both sides, in particular in Ethiopia, those manoeuvres subsided towards the end of the reporting period. As was the case at the same time in 2002, a number of formations of the Eritrean Defence Forces have been temporarily relocated from Sector Centre to West, ostensibly for agricultural and construction activities. UNMEE continues to monitor — to the extent possible — those movements, which have involved larger numbers of troops than previously and, unlike in the past, complete military formations.

4. The incursions by Ethiopian herdsmen and their livestock into the Temporary Security Zone in Sector Centre, mentioned in previous reports, decreased marginally, and incidents of armed Ethiopian militia accompanying them have all but ceased. However, on a handful of occasions, incidents of stone-throwing by children on both sides were reported; on each occasion they were soon stopped by

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UNMEE. Meanwhile, cattle-rustling incidents have somewhat increased in Sectors West and Centre despite concerted efforts at the local level to arrest that trend. However, in a positive development, several exchanges of livestock were successfully arranged, with both sides returning livestock that had either strayed or been stolen.

5. On 1 November 2003, a shooting incident took place near Fawlina, inside the Temporary Security Zone in Sector West. Reportedly, a small group of uniformed men opened fire on two Eritrean militiamen, killing one of them, while the other escaped uninjured. UNMEE investigations confirmed the occurrence of the incident. However, the identity of the perpetrators remains uncertain and the Ethiopian authorities have emphatically denied any involvement. As a result of such incidents, UNMEE has relocated two platoons within Sector West in order to better monitor the southern boundary of the Zone, in particular the area close to Badme. A similar incident occurred on 10 December 2003, when members of the Eritrean militia exchanged fire with four Ethiopian soldiers who had allegedly attempted to attack them after entering the Zone near Shilalo, in Sector West. UNMEE later discussed the incident with Ethiopian Army officials, who promised to cooperate to avoid the recurrence of such incidents in the future.

6. During the period under review, a number of defections took place in both directions across the Temporary Security Zone boundary. One instance suggested the involvement by the perpetrators of an UNMEE vehicle, which was of great concern to the Mission and is being thoroughly investigated. While UNMEE has no mandate to halt defections, it did facilitate the prompt repatriation of individuals who had accidentally crossed the border from either side and were detained by the respective authorities.

Freedom of movement

7. Early in the reporting period, UNMEE noticed a reduction in restrictions on the freedom of movement of its personnel imposed by the parties in the Temporary Security Zone and the adjacent areas. This trend has been reversed, particularly on the Eritrean side, where UNMEE is facing increasing restrictions on its movement in the adjacent areas and, on a number of occasions, within the Zone. Those restrictions have been protested. Eritrea appears to be further hardening its unfounded position that the UNMEE mandate is limited solely to monitoring the Zone and that UNMEE has no mandate to monitor the redeployed positions of the armed forces of both parties outside the Zone. I urge the parties to provide full support to UNMEE and facilitate unrestricted movement of UNMEE personnel throughout the Mission area.

8. UNMEE staff entering and exiting Ethiopia and Eritrea continue to experience difficulties at the airports in Addis Ababa and Asmara, including through the imposition of visa regimes. In addition, the Government of Eritrea insists that prior notification is required for non-Mission passengers travelling on UNMEE carriers on both domestic and cross-border flights, making it unnecessarily difficult for the Mission's partners to travel the region in support of the peace process.

9. I regret to report the parties' continued failure to overcome their differences with regard to a direct high-altitude route for UNMEE flights between Addis Ababa and Asmara. The longer and more complicated flights have safety and security implications for the Mission's staff, and have to date resulted in additional costs

totalling almost US$ 3 million. As it would seem that there is no obvious compromise solution to this problem, which could so easily be resolved, I sincerely hope that one of the parties will relent and change its position in a gesture of goodwill towards UNMEE staff, which are seriously affected by the long detours, and towards the United Nations membership, which is paying for this unnecessary requirement. Such a gesture could also serve as an important and much-needed confidence-building measure between the parties.

Military Coordination Commission

10. Under the chairmanship of UNMEE, the Military Coordination Commission held its nineteenth and twentieth meetings on 17 September and 5 November 2003, respectively, in Nairobi. While acknowledging the difficulties in the peace process at the political level, the two delegations stressed their commitment to the Commission process and their intention to work closely with UNMEE to ensure continued military stability on the ground. While relations between the two delegations were professional and even courteous, unfortunately no progress was made with regard to holding future meetings alternately in the two capitals, and the next Commission meeting was therefore scheduled for 15 December 2003 in Nairobi.

Status of the Mission and related issues

11. As at 10 December 2003, the total strength of the UNMEE military component stood at 4,098, comprising 3,769 troops, 114 headquarters staff officers and 215 military observers (see annex II).

12. My Special Representative continues to protest against the Government of Eritrea's imposition of national service obligations on staff members and against detentions by the Government of some Eritrean staff on that basis.

13. Despite repeated requests by the Security Council, my Special Representative and myself, the Government of Eritrea has still not signed the status-of-forces agreement with the United Nations, and I therefore appeal once again that this important agreement be concluded without further delay. The model status-of-forces agreement continues to be in effect in the interim.

14. In accordance with Security Council resolution 1325 (2000), UNMEE has introduced a gender perspective into the work of the Mission by establishing a focal point for women, who holds observer status on human resource panels, such as those on recruitment and international grade review. In addition, UNMEE has launched an awareness campaign to promote gender sensitivity, organizing training sessions for both civilian and military personnel.

III. Boundary Commission

15. I regret to report that there has been little progress in the demarcation of the border since my last report. In spite of the persistent efforts of the Boundary Commission and the readiness of its field offices on the ground, it has not been possible to undertake the necessary surveys in Sectors West and Centre or to begin the emplacement of boundary pillars in Sector East, as envisaged by the Commission's schedule of the order of activities issued in July 2003. In an attempt

to move the process ahead, the Boundary Commission convened a meeting with the parties in The Hague on 19 November 2003, with my Special Representative attending as an observer. At the meeting, Ethiopia stated its willingness to proceed with pillar emplacement in the East but repeated its refusal to permit any work in the other two sectors until Ethiopia had approved the Commission's method of demarcation. Eritrea, on the other hand, reiterated its position that no demarcation should take place in any part unless it was absolutely clear that demarcation would take place in all parts in accordance with the Commission's delimitation decision. Despite the Commission's attempts, the meeting failed to break the current impasse. The report of the Commission prepared by its President on its activities, including the above-mentioned meeting in The Hague, is contained in annex I.

16. In addition to the serious implications for the overall peace process, the delays in the demarcation process also have consequences at the practical level. As a result of the current inability to proceed with work on the ground, the Boundary Commission has decided that, while it will maintain its presence in the area, it will reduce its activity to a minimum. The Commission has ensured, however, that it would be able to resume its work on a short notice as soon as required. Nevertheless, it should be noted that it will not be possible for the process of physically marking the boundary to commence immediately upon a resolution of the differences between the parties. The demarcation process currently entails three separately tendered but linked contracts to run concurrently, for boundary pillar emplacement, as-built survey and demining quality assurance. In that regard, while much work has already been done on the contracts, none of them can be completed until the terms of an eventual agreement between the parties are known since those terms would probably have implications for the structure and other aspects of the contracts. In addition, the pillar emplacement contractor has advised that it will require some two months' lead time to mobilize once the contract has been signed. There is also the possibility that the current contractors identified will not be available at the time that the demarcation process is resumed, in which case, the contracts in question would have to be retendered.

17. The delays also have implications for the UNMEE mandate to demine in support of demarcation. When the UNMEE mandate was adjusted by the Security Council in its resolution 1430 (2002) to include demining in key areas to support demarcation, it was based on the Mission's capacity to conduct the necessary demining with the Slovak engineering contingent in place. However, the Slovak contingent is scheduled to depart UNMEE in June 2004 and a replacement contingent would have to be identified. Failing the identification of a suitable replacement, other options would have to be considered, such as employing a commercial contractor. In short, it now appears that once agreement is reached on when and where to begin demarcation, some four months of lead time would be required for support activities to be completed and associated contractors to be in place before the actual emplacement of pillars could begin.

18. Voluntary contributions and pledges to the Trust Fund for the delimitation and demarcation of the border currently total some US$ 10.9 million. In my last report, it was indicated that an additional US$ 4.1 million would be required to complete the demarcation of the whole border. However, due to continuous expenses, such as staffing, that figure will increase with further delays in the process. A separate financial issue concerns payment of the commissioners themselves. Up until now, they have been paid through contributions by the Governments of Eritrea and

Ethiopia. However, the funding has been depleted since Eritrea's recent contribution has already been spent while Ethiopia's has not yet been paid. As a consequence, the Commission has enquired about the possibility that the commissioners be paid from the Trust Fund. While I am inclined to accept this option as a temporary measure, I urge Ethiopia to make its contribution without further delay.

IV. Mine action

19. Landmines and unexploded ordnance continue to constitute a major threat to everyone living and working in the Temporary Security Zone and adjacent areas and to hinder the return to normalcy for the population of both countries. From the beginning of September to mid-November 2003, two incidents involving mines and unexploded ordnance occurred in Sector Centre, in which three children were killed and nine other civilians injured.

20. However, UNMEE demining units made good progress in mine-clearing, and for the first time since the Mission commenced operations no mine incidents were reported in the area of responsibility for a whole month (October 2003). It was also encouraging that no incidents involving newly laid mines occurred during the entire period under review, during which UNMEE destroyed 67 mines and 152 pieces of unexploded ordnance and cleared over 830,000 square metres of land and 525 kilometres of road, while the Mission's road-proving contractor proved over 360 kilometres of road in Sectors West and Centre. In addition, the UNMEE Mine Action Coordination Centre provided training to 3,610 Eritrean civilians in the Temporary Security Zone. It also established a demining coordination centre in Sector West, where elements of the Slovak, Bangladeshi and Kenyan demining units have been co-located to form an integrated demining team to work together in preparation for demining in support of demarcation. Meanwhile, the Eritrean national demining programme has finally recommenced operations, with three demining teams deployed for operations in the Zone with the assistance of the United Nations Development Programme and six mine risk education teams operating with United Nations Children's Fund assistance.

V. Humanitarian developments

21. The effects of the recurrent drought over the past several years and the consequences of the border war, coupled with the high level of poverty in Eritrea and Ethiopia, remain major concerns for the two Governments, as well as the United Nations country teams and other humanitarian partners. In Eritrea, 1.7 million people will continue to need relief assistance in 2004, and the United Nations country team also noted that the increasing scarcity of food and water has resulted in extremely high levels (24 per cent) of malnutrition in certain areas. In Ethiopia, the Government and the United Nations launched the 2004 appeal on 10 December 2003. The total appeal was for US$ 380 million for food and relief needs for an estimated seven million beneficiaries. The appeal also noted that a further two million people were at risk from shortages and would require close monitoring in 2004.

22. My Special Envoy for the Humanitarian Crisis in the Horn of Africa, Martti Ahtisaari, made his second visit to the region in November 2003. While

Mr. Ahtisaari was pleased with the improved response from donors, and praised both countries for the progress made in combating the effects of the recent drought, he was deeply concerned about the many people living below the poverty line. My Special Envoy noted that additional donor support was needed for the various food security programmes in Eritrea and Ethiopia, and he will continue to sensitize donors on humanitarian and other long-term needs of the vulnerable populations in both countries.

23. Other challenges in 2004 include the large number of internally displaced persons in both countries who have still not been able to return to their homes; the repatriation and reintegration of 60,000 Eritrean refugees from Sudan; and the widespread malaria epidemic. Despite recent emphasis by the humanitarian community on the transition to longer-term development, emergency needs continue in both Eritrea and Ethiopia, and I urge the international community to respond generously to the upcoming appeals of both countries.

Quick-impact projects

24. A total of 82 quick-impact projects have now been completed in the Temporary Security Zone and adjacent areas, and an additional 61 projects have been approved and are in various stages of implementation. While the majority of the projects focus on water, education and health, UNMEE and its implementing partners have also undertaken sanitation projects, training programmes and other small-scale interventions to support border communities in both countries. I welcome Norway's second contribution to the Trust Fund to Support the Peace Process in Ethiopia and Eritrea, which brings the total contributions to about US$ 900,000. However, the continued positive impact of the projects remains contingent upon donor commitment and financial support, and I therefore hope that additional contributions to the Trust Fund will be made.

HIV/AIDS activities

25. UNMEE has continued to advocate behaviour change through induction training and its HIV/AIDS awareness programme, and has also engaged in local capacity-building and outreach to vulnerable groups and non-governmental organizations. In September 2003, UNMEE was represented at the thirteenth International Conference on Sexually Transmitted Diseases and HIV/AIDS in Africa, held in Nairobi, during which the Joint United Nations Programme on HIV and AIDS-sponsored best practice case study "The case of Eritrea", which addresses HIV/AIDS prevention and care among United Nations peacekeepers and national uniformed forces, was launched. During the reporting period, UNMEE also held its first voluntary counselling and testing course, at the end of which 21 HIV/AIDS counsellors were graduated. The newly opened voluntary counselling and testing centre provides access to free testing and counselling for all personnel. In November 2003, UNMEE contributed to the predeployment training of Ethiopian soldiers preparing to serve in the United Nations Mission in Liberia (UNMIL).

VI. Human rights

26. UNMEE continued to monitor cases of cross-border abductions, detentions and disappearances, most of which were resolved quickly with the cooperation of local

authorities. However, several cases remained unresolved, which is a source of concern since missing civilians were reportedly last seen in the detention of Eritrean militia or police, who subsequently denied knowledge of their whereabouts. UNMEE continues to pursue those cases with the authorities.

27. The Mission also continued to monitor camps populated by internally displaced persons, deportees and returnees, and initiated confidence-building measures to establish conditions for the safe return of Eritrean civilians to five border villages that were abandoned in 2002 following incursions by armed Ethiopians. In all its work related to repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction, UNMEE pays particular attention to the special protection needs of women and children, in particular girls.

28. The population of the camp that houses Eritrean refugees and asylum seekers near Shiraro, Ethiopia, continues to grow. Some 300 new arrivals were reportedly registered in October 2003, bringing to 6,200 the total camp population by the end of the month, including nearly 4,000 ethnic Kunama who left Eritrea after the war when the Ethiopian forces withdrew from Sector West. It is a matter of concern that, despite a written request by my Special Representative in August 2003, UNMEE has still not been allowed to visit that camp, whose population clearly falls within the Mission's human rights mandate.

29. The Office of the United Nations High Commissioner for Refugees (UNHCR) resumed repatriations of Eritrean refugees from the Sudan on 15 October 2003. Out of some 32,000 registered refugees, UNHCR expects to bring back 25,000 by the end of 2003.

VII. Public information

30. In addition to its weekly press briefings, radio programmes and newsletter, UNMEE has increased its outreach to the public through a number of video productions. The recently produced vignettes on mine risk awareness in local languages and the 60-second information spot, known as "The UNMEE Minute", were well received. In addition, UNMEE launched its own web site on 15 October 2003. The Mission has also accommodated to the best of its ability visits by a number of international journalists, and my Special Representative gave a press conference as well as a number of interviews on the current status of the peace process, raising the profile of the Ethiopia/Eritrea issue in the media around the world, at a time when this issue is suffering from relative neglect, in part because of crises elsewhere.

31. My last progress report highlighted the problems facing the outreach centres in Eritrea at the time. Regrettably, despite repeated démarches by my Special Representative, the authorities continued to prevent Eritrean visitors from entering the premises, and on 30 September 2003 UNMEE felt compelled to close its centres in Asmara and Barentu. Meanwhile, the two centres in Ethiopia continue to thrive and plans are under way to open a third in Adigrat.

VIII. Financial questions

32. The General Assembly, in its resolution 57/328 of 18 June 2003, appropriated the amount of US$ 188.4 million, equivalent to US$ 15.7 million per month, for the maintenance of UNMEE for the financial period 1 July 2003 to 30 June 2004. As at 31 October 2003, unpaid assessed contributions to the special account for UNMEE amounted to $60.1 million. The total outstanding assessed contributions for all peacekeeping operations as at 31 October 2003 amounted to $1,187.9 million.

IX. Observations

33. The situation between Ethiopia and Eritrea remains difficult, even precarious, and I am concerned that a minor miscalculation by either side could have serious consequences. While there are no evident signs of preparations for hostilities on either side of the Temporary Security Zone, recent inflammatory rhetoric, in particular in Eritrea, has done nothing to advance the peace process. This conflict can only be resolved by peaceful means, and I wish to emphasize that any threat to use force or any preparations in this regard are extremely dangerous. Indeed, the parties acknowledged this in the Algiers Agreement of December 2000, in which they solemnly agreed that they would permanently terminate military hostilities between themselves and refrain from the threat or use of force against each other.

34. There is no doubt that a fundamental requirement for the successful completion of the peace process and future normalization of relations between Ethiopia and Eritrea lies in the expeditious demarcation of their common border. In a reaffirmation of the importance of the rule of law in international relations, the Security Council, in its resolution 1507 (2003), urged the parties to abide by their commitments under the Algiers Agreements, and called on them to cooperate fully and promptly with the Boundary Commission in the implementation of its decisions. While I welcome Eritrea's continued cooperation with the Commission, I regret Ethiopia's failure to extend the necessary cooperation, including paying its dues to the functioning of the Commission.

35. In addition to an internationally recognized border, a crucial aspect of a well-functioning and mutually beneficial relationship between two neighbouring States is an open channel of communication at all levels. While I acknowledge that Eritrea has certain reservations about initiating a dialogue with Ethiopia until the border has been demarcated, it must be stressed that the continued absence of dialogue will make improvement of relations exceedingly difficult and that such dialogue may be the only way to overcome the current impasse before the situation further deteriorates. It is also important to note that the normalization of relations should not be considered a zero-sum game but rather as a process which could be of great benefit to both countries and reinforce various processes between them. In recent meetings with my Special Representative, Ethiopia has indicated that it would be ready for a broad agenda for a dialogue. While that change in attitude is a step in the right direction, it would carry even more significance if it were to be followed by practical measures which could be reciprocated and thus contribute to the creation of much-needed confidence-building. It is my belief that such gestures would greatly improve the political context in which the demarcation of the border and normalization of relations could take place.

36. In the period ahead, it will be essential for the parties to keep an open mind and continue to work with the international community and key supporters of the peace process. In that connection, I regret Eritrea's recent decision to recall its Ambassador to the African Union. It is worth recalling that in resolution 1507 (2003), the Security Council reaffirmed the crucial importance of political dialogue between the two countries for the success of the peace process, and it is in that spirit that I encourage any positive initiative undertaken in this direction, including that of the current Chairman of the African Union, President Chissano of Mozambique, and of the Chairman of the African Union Commission, former President Konare of Mali. Similarly, I would like to underline the need for all Member States and organizations concerned to remain firmly engaged in the coming months and to maintain the unity of purpose which has characterized the support of the international community throughout the peace process. I will continue to consider additional measures, in close coordination with the other witnesses to the Algiers Agreement, to move the process forward and help the parties overcome their differences, and I trust that I can rely on the full support of the international community in that regard. In addition to political support and commitment, I also appeal to donors to contribute generously to relief assistance programmes, as well as to the United Nations trust funds.

37. Finally, I wish to recognize the tireless and determined efforts of my Special Representative, Legwaila Joseph Legwaila, and the military and civilian personnel of UNMEE, who have managed, in the difficult circumstances, to maintain stability on the ground, creating an environment conducive to a peaceful and successful conclusion to the peace process. The work of the United Nations country teams and their humanitarian partners has also been invaluable in that regard. I also wish to acknowledge the support of interested Member States, the African Union and other international organizations, as well as the resolve of the Boundary Commission. However, while the international community will strive to assist Eritreans and Ethiopians, ultimately it is for the parties themselves to find the best way to move the process forward and to help their people to overcome the serious economic and humanitarian difficulties which are currently affecting them.

Annex I

Eleventh report on the work of the Eritrea-Ethiopia Boundary Commission

1. This is the eleventh report of the Eritrea-Ethiopia Boundary Commission, covering the period 1 September-30 November 2003.

2. During the period under review, the Commission was, regrettably, and for reasons beyond its control, unable to make significant progress with the demarcation activities contemplated in its schedule of the order of activities ahead, dated 16 July 2003 (see S/2003/665/Add.1).

3. As indicated in its tenth report, the Commission communicated to the parties on 22 August its instructions to the demarcation team for implementing the plan of work set out in the July 2003 schedule, including preparation of the factual survey of Tserona and Zalambessa and field assessment of pillar sites in the Central and Western Sectors. In a covering letter, the Commission invited the parties promptly to communicate to the Commission and to each other the names of their new field liaison officers, together with the information required in paragraph 6 (b) of the Commission's demarcation directions, as amended. The Commission also requested the parties to develop, in consultation with the Chief Surveyor, detailed procedures for ensuring the security of all demarcation personnel, including arrangements for communication at all necessary levels (central and local government, inter-ministerial and local populations) and for facilitating the UNMEE role, as authorized by the Security Council, in monitoring these activities (e.g. within the context of the Military Coordination Committee).

4. Eritrea notified the Commission and Ethiopia of the appointment of its field liaison officers, submitted a proposal for security arrangements for the boundary demarcation work and paid its contributions to the expenses of the Commission as required by the terms of the Algiers Agreement. Despite reminders from the Chief Surveyor and Secretary to the Commission, Ethiopia has yet to respond on these matters, although it has indicated its willingness to appoint field liaison officers and give security assurances for demarcation activities in relation only to the Eastern Sector and Mareb river section of the boundary.

5. Eritrea also commented, within the time provided, on the marked maps indicating pillar locations in the Eastern Sector; Ethiopia did not. The Commission has adopted as final the Eastern Sector pillar locations indicated on the maps.

6. In early September 2003, the Mayor of the municipality of Adigrat signed a land contract for the site of an EEBC contractors' camp.

7. In September and October 2003, the United Nations Procurement Division engaged in contract negotiations with the selected contractors for the emplacement and as-built survey of boundary pillars along the whole boundary as contemplated in the delimitation decision of 13 April 2002. The contractors insisted that they would not conclude any contract unless given security assurances covering the whole boundary. As yet it has not been possible to conclude any contracts.

8. In early September 2003, the Chief Surveyor prepared a work programme for the field assessment of pillar sites, setting forth the proposed order in which the work indicated in the demarcation instructions of 22 August would be carried out by

the demarcation team. The Chief Surveyor contacted the parties' liaison representatives to arrange meetings aimed at discussing, inter alia, the work programme, the provision of security in the field, and the demarcation in the Eastern Sector.

9. At a meeting with Ethiopian representatives held in Addis Ababa in early September 2003, the Chief Surveyor was advised that the appointment of the Ethiopian field liaison officers would be dealt with as part of a response from the Government to the demarcation instructions of 22 August 2003. No such response has been communicated to the Commission.

10. Around the same time the Chief Surveyor was informed by the Special Representative of the Secretary-General that the Ethiopian Government had announced to him its decision not to allow demarcation to take place in Badme and Irob, while continuing to support demarcation in the other parts of the boundary. This was followed by a letter from the Ethiopian Prime Minister to the Secretary-General of the United Nations dated 19 September 2003. A copy of that letter, together with a letter to the Secretary-General from the President of Eritrea dated 17 September 2003, was transmitted on 26 September 2003 by the United Nations to the President of the Boundary Commission. In his letter of 19 September 2003, the Prime Minister of Ethiopia sought the Secretary-General's assistance in overcoming the challenge that the peace process between Ethiopia and Eritrea is facing. The letter gave prominence to what it called the totally illegal, unjust and irresponsible decisions of the Commission on Badme and parts of the Central Sector, thus making it clear, in the Commission's understanding, that Ethiopia's complaint was with the delimitation decision rather than with the demarcation process. Ethiopia proposed that the Security Council set up an alternative mechanism to demarcate the contested parts of the boundary in a just and legal manner. (It may be noted in passing that the demarcation directions of 8 July 2002, laying down the procedure for demarcation of the whole border, were only adopted after consultation with the parties and the Commission endeavoured to incorporate the comments and suggestions of the parties in the final version.)

11. On 7 October 2003, the President of the Commission submitted to the Secretary-General a letter containing the comments of the Commission on the Ethiopian letter of 19 September, sending copies to the agents of the parties and the Chairperson of the African Union (in order that the Commission's views should be a matter of public record, a copy of that letter is contained in appendix I).

12. In meetings with Eritrean representatives held in early October 2003, the Chief Surveyor was informed that Eritrea would withdraw its arrangements for the provision of security in the Eastern Sector if the contract then under negotiation (see para. 7 above) for the emplacement of pillars did not cover the entire boundary as determined in the delimitation decision.

13. On 22 October 2003, the Commission invited the parties to attend a meeting on 5 November 2003 in an attempt to overcome the current impasse in the Commission's demarcation activities. Eritrea accepted the invitation, while Ethiopia declined, citing, inter alia, the "short notice" on which the meeting had been convened and the unlikelihood of anything being achieved at the meeting. The Commission, being determined that no effort should be spared in seeking to advance the work of demarcation, made a further proposal for a meeting later in November 2003, which was accepted by both parties.

14. On 19 November 2003, the Commission met in The Hague with representatives of the parties. The President of the Commission made an opening statement expressing the concern of the Commission at the lack of progress in the demarcation process, setting out the Commission's understanding of the positions of the parties and indicating that if progress was to be made, certain rigid positions would have to be modified (a relevant extract of the statement is contained in appendix II; the full transcript is on file with the Secretariat). The statement proposed that the discussion focus on the action required to implement the Commission's demarcation instructions of 22 August (see S/2003/858, annex I, para. 5).

15. The co-agent of Ethiopia then read a statement reiterating Ethiopia's willingness to agree to pillar emplacement in the Eastern Sector but at the same time clearly repeating its refusal to permit any work to be carried out in the Western and Central Sectors as prescribed in the July 2003 schedule until the boundary in the Eastern Sector had been completely demarcated and then only if Ethiopia approved the Commission's method of demarcation.

16. In the following discussion, the representative of Eritrea repeated its objection to the continuance of the demarcation process in the Eastern Sector unless at the same time the work foreseen in the Western and Central Sectors was continued in the manner laid down in the July 2003 schedule and in the demarcation instructions of 22 August 2003. Eritrea's position was that the delimitation decision of 13 April 2002 and the orders of the Commission provided for the demarcation of the boundary as a whole and that no demarcation should be carried out in any part unless it was absolutely clear that demarcation would take place in the other parts in accordance with the delimitation decision.

17. The Commission explored with the parties the extent to which the positions of each might be modified so as to allow progress to be made. Ethiopia was asked specifically whether it would permit the necessary preliminary factual investigations contemplated by the Commission as well as foreseen in Ethiopia's own comments of 2 May 2003 to take place in the Western and Central Sectors, concurrently with pillar emplacement in the Eastern Sector. It replied in the negative, though acknowledging that the whole of the boundary would have to be demarcated in due course.

18. In response to a question from the Commission as to the legal basis on which Ethiopia asserted the right to limit the Commission's demarcation activity in the manner described, the co-agent of Ethiopia stated that in Ethiopia's view the demarcation process was flawed in that it was not consistent with the language and spirit of the Algiers Agreement and would not lead to peace and stability in the region. Despite the fact that the Commission pointed out that the Algiers Agreement specifically required the Commission to demarcate as well as to delimit the boundary and that it was for the Commission to decide how the demarcation was to be carried out, the representative of Ethiopia insisted that the general framework of the Algiers Agreement prevailed over the specific provisions of article 4 thereof and that Ethiopia was entitled to take its position in relation to the demarcation process without departing from its acceptance of the binding force of the delimitation decision.

19. The representative of Eritrea firmly maintained Eritrea's position that the demarcation of the boundary could not be divided in the manner sought by Ethiopia

since there was no assurance that Ethiopia would not raise insuperable problems in relation to the demarcation of the remaining sectors of the boundary.

20. At no point in the discussion did Ethiopia contest the binding quality of the delimitation decision, saying that it was concerned only with the demarcation process. Nonetheless, the Commission has been obliged to conclude that despite the words used by Ethiopia, it is presenting its dissatisfaction with the boundary as substantively laid down in the delimitation decision in the form of procedural impediments to the demarcation process which it is not entitled to interpose. The refusal of Eritrea to accept a partial demarcation covering only the Eastern Sector stems from its distrust of Ethiopia's intentions regarding the demarcation of the rest of the boundary. Eritrea is prepared to proceed only on the basis of an appropriate degree of concurrent action in the Western and Central Sectors; it considers that mere verbal assurances are not enough.

21. In planning the demarcation of the boundary, the Commission has proceeded on the assumption that, while pillar emplacement cannot take place in all three sectors simultaneously, demarcation activities can and should continue along the entire boundary. From the standpoint of efficient and cost-effective project management, there is no justification for allowing the Commission's field office staff, which has completed its work in the Eastern Sector, to sit idle while pillar emplacement takes place in one sector only. In addition, completion of preparatory work in other sectors would allow the contractors to move into those sectors for pillar emplacement immediately upon completion of that work in the Eastern Sector. Continuance of preparatory steps for pillar emplacement in the other sectors has always been contemplated in the Commission's demarcation directions and various schedules of the order of activities ahead.

22. The Commission expresses its considerable disappointment at the situation that has developed. Until the positions of either or both of the parties are modified, there is nothing more that the Commission can do. Nonetheless, the Commission remains willing, if the parties cooperate fully, to continue in the manner foreseen in the Algiers Agreement. For the time being, it will maintain its presence in the area but will reduce its activity to the minimum compatible with its being able to resume it, if and when the parties make it possible for the Commission to do so.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission
1 December 2003

Appendix I

Letter dated 7 October 2003 from the President of the Eritrea-Ethiopia Boundary Commission to the Secretary-General

1. The Boundary Commission has received a copy of the letter of 19 September 2003 from the Prime Minister of Ethiopia to the Secretary-General of the United Nations. It is a cause of considerable disquiet to the Commission which, in consequence, deems it necessary to offer a number of observations upon some of the statements made in it that directly relate to the work of the Boundary Commission and which, to our regret, are misconceived and misleading.

2. The Commission wishes to recall that it has been engaged in demarcation activities since 13 April 2002, the date of its Delimitation Decision. A summary of the current status of these activities and of the actions by the parties that are now called for so that demarcation can proceed as required by the Security Council in its recent resolution 1507 (2003) of 12 September 2003 is set forth in the enclosure.

3. The Commission on one previous occasion has thought it beneficial to offer observations on the Commission's approach to the demarcation phase of its work in the light in particular of certain considerations advanced by the parties (see S/2003/257/Add.1). In the light of the recent letter from the Prime Minister of Ethiopia, the Commission considers that the following further comments are called for.

4. The opening paragraph of the Prime Minister's letter states that the peace process between Ethiopia and Eritrea is facing a challenge. Ethiopia characterizes the situation as being one in which "the work of the Commission is in terminal crisis". The Commission does not accept that assessment: there is no "crisis", terminal or otherwise, which cannot be cured by Ethiopia's compliance with its obligations under the Algiers Agreement, in particular its obligations to treat the Commission's delimitation determination as "final and binding" (article 4.15) and "to cooperate with the Commission, its experts and other staff in all respects during the process of ... demarcation" (article 4.14).

5. The key to the "crisis" which Ethiopia discerns in the work of the Commission lies, according to Ethiopia's letter, in the Commission's "totally illegal, unjust and irresponsible decision on Badme and parts of the Central Sector". As that letter deals thereafter only with the situation regarding Badme, it is therefore only to that aspect of the case that the Commission will here refer.

6. The letter states that the "Colonial treaties which are the basis of the Algiers Agreement and which should have been the key basis for the delimitation and demarcation of the boundary leave Badme well inside Ethiopia". On the basis of those colonial treaties as they were interpreted by the Commission in accordance with applicable international law, that is not accurate. The Commission found that on the correct interpretation of the relevant treaty, the boundary, from the point at which it leaves the Setit River (point 6) to where it joins the Mareb River (point 9), ran in part across the Badme plain. If as a result Badme village is found to be located in Eritrea, that is no more than the consequence of the Commission's application of the relevant colonial treaty. Ethiopia argued in the proceedings before the Commission for an interpretation of the treaty which would have resulted in a much different boundary, far to the north-west, which would have had the effect of

placing Badme well within Ethiopia, but the argument for Ethiopia's line was considered carefully by the Commission and rejected.

7. The Ethiopian letter goes on to say that "This [i.e., Badme being left well inside of Ethiopia by the colonial treaties] was also the Commission's own interpretation of the relevant Treaty". This is a misrepresentation of the Commission's reasoning. The only interpretation of the relevant treaty which can be regarded as the Commission's "own interpretation", in accordance with applicable international law, is that which is set out in its delimitation decision of April 2002.

8. The letter then states that "the Commission chose to base its decision on state practice, and having done so, went on and awarded Badme to Eritrea ...". The State practice to which the Commission gave weight consisted primarily of a series of maps, including in particular maps published by Ethiopia. The Commission was convinced that these showed the parties' agreement upon an interpretation of the relevant treaty, which placed the boundary prescribed by that treaty in the location determined by the Commission. Ethiopia failed to show why official Ethiopian maps, which over the years depicted not the line for which it argued in 2001 but the line adopted by the Commission, did not reflect the true line of the boundary.

9. Ethiopia goes on to say that this finding, which resulted in Badme being awarded to Eritrea, was made "despite the overwhelming evidence produced by Ethiopia proving that Badme had always been administered by Ethiopia. Eritrea could not produce even a single document to rebut Ethiopia's submission". The Commission has already (in paragraphs 17 and 18 of its observations of 21 March 2003) commented on the paucity of the evidence produced by the parties in relation specifically to Badme.

10. The Commission must further observe that its mandate, as agreed in article 4.2 of the Algiers Agreement, was to base its decision "on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law". The parties did not give the Commission the task of deciding which State administered Badme in recent years: and at the critical time when the relevant treaty of 1902 was concluded, Badme and certain other villages and settlements which now exist had not then come into existence. Where villages have sprung up or spread in recent times, and in so doing transgress boundaries previously established by older treaties, it is fully consistent with international law for the treaty-based boundary to be maintained and for the resolution of any consequential human problems to be left for the parties to resolve by agreement. Far from being a "blatant miscarriage of justice" (letter, para. 3), that result is precisely what the International Court of Justice decided, in comparable circumstances, in its recent judgment in the *Cameroon v. Nigeria* case. The parties have long been aware that the result of the Commission's delimitation and consequent demarcation could be that the boundary could run through and divide some settlements (see para. 3 of the Commission's observations of 21 March 2003).

11. In the fourth paragraph of the letter Ethiopia contends that since Eritrea totally rejects any dialogue on demarcation, the Commission's indication of the need for further agreement between the parties to resolve anomalies shows that "nothing worthwhile can therefore be expected from the Commission to salvage the peace process. Indeed, the Commission seems to be determined to continue its disastrous stance whatever the consequences to the peace of the region". The Commission can only repeat what it has previously said, essentially that its mandate is that given to it

by the parties when concluding the Algiers Agreement, and that if that mandate is to be changed it can only be done by some further agreement by the parties: it is not for the Commission to speculate on whether or not such a further agreement is likely to be negotiable. The Commission's position is clearly set out in paragraph 28 of its observations of 21 March 2003.

12. Ethiopia maintains in the fifth paragraph of its letter that "only the Security Council can salvage the peace process", and that "the Boundary Commission has itself acknowledged the responsibility of the United Nations, in accordance with the Algiers Agreement, to assist the two parties to overcome challenges they might face in the process of delimitation and demarcation". The Commission recalls that article 4.16 of the Algiers Agreement is in the following specific terms: "Recognizing that the results of the delimitation and demarcation process are not yet known, the parties request the United Nations to facilitate resolution of problems which may arise due to the transfer of territorial control, including the consequences for individuals residing in previously disputed territory". It is accordingly clear that Ethiopia's construction of the Algiers Agreement and of what the Commission has stated in respect of it is misconceived.

13. Ethiopia then makes a number of specific proposals in order to break what it terms "the present deadlock".

14. In proposal 1, Ethiopia reaffirms "its commitment under the Algiers Agreement": the Commission observes that that Agreement committed both parties, inter alia, to accept the Commission's determination of the boundary as final and binding, and to cooperate with the Commission during the process of demarcation; and Ethiopia, like Eritrea, accepted the delimitation decision when it was rendered. Ethiopia's reference in the third and sixth paragraphs of its letter to some future demarcation being "just and legal" implies that Ethiopia now considers that the Commission's delimitation and demarcation are neither just nor legal. Ethiopia's statement is a repudiation of its repeated acceptance of the Commission's decision since it was rendered.

15. In proposal 3, Ethiopia proposes that "an alternative mechanism to demarcate the contested parts of the boundary" be set up. Such and alternative mechanism would involve a departure from, and thus and amendment to, the terms of article 4.2 of the Algiers Agreement, which gives the Commission the mandate to demarcate the boundary. Moreover, Ethiopia's reference to "the contested boundary" can only be understood as a reference to those parts of the boundary to which it alone and unilaterally takes exception: no part of the boundary is "contested" by both parties.

16. Proposal 5 states that Ethiopia "will recognize ... the southern boundary of the Temporary Security Zone as the boundary between the two countries". The parties have agreed, however, in article 4.15 of the Algiers Agreement, that the boundary between the two countries is the boundary as delimited by the Commission.

17. The Commission has recently sent a letter to the parties directing that they immediately take the necessary steps (as envisaged, inter alia, in the enclosure to the present letter) to allow demarcation to proceed according to the schedule of the order of activities ahead. Only by thus enabling demarcation to proceed unhindered can the mandate given to the Commission by the parties in the Algiers Agreement, namely to expeditiously demarcate the boundary, be fulfilled.

18. The Commission would be grateful if you would be good enough to share the present letter with the members of the Security Council.

(*Signed*) Sir Elihu **Lauterpacht**

Enclosure

Status of demarcation activities

Steps to be taken as at 30 September 2003

1. In order for demarcation to proceed as required by Security Council resolution 1507 (2003) of 12 September 2003:

(a) Each party must appoint its field liaison officers (see Commission decision of 7 July 2003; para. 1 of the schedule; my letter of 22 August 2003). Eritrea has appointed its field liaison officers: Ethiopia has yet to do so;

(b) Contracts must be awarded for pillar emplacement and as-built survey, followed by necessary logistical and deployment activities by the contractors (paras. 2, 4, 10, 17, 18, 19, 25, 27, 29, 31 and 32 of the schedule): these activities are linked to the demining of access to pillar sites (para. 9 of the schedule). In practice, contracts cannot be signed and legal commitments entered into unless both parties have first appointed their field liaison officers, made it clear that no obstacles will be placed in the way of demarcation and provided adequate assurances regarding matters of security, including the establishment of "detailed procedures for ensuring the security of all demarcation personnel" (my letter of 22 August). The parties have not yet taken the necessary steps;

Eastern Sector

(c) Marked maps for the Eastern Sector have been communicated to the parties and their comments sought by 5 September 2003 (paras. 5 and 11 of the schedule). Ethiopia has not submitted any comments by that deadline, and the Commission therefore assumes that it has none to offer. Eritrea did submit comments by that deadline: these were considered by the Commission (para. 11 of the schedule), which decided to make no change to the maps as marked by the Commission. The location of pillar sites in the Eastern Sector, as set out on marked maps communicated to the parties, is thus now final. The Commission can accordingly proceed on that basis, and eventually prepare the final maps (para. 26 of the schedule), but in practice further progress is dependent upon contracts being signed (see para. 1 (b) above) which in turn depends upon action still to be taken by the parties;

Central Sector

(d) Further work needs to be done by the demarcation team at Tserona and Zalambessa (paras. 3, 8, 12, 13, 14 and 15 of the schedule; paras. 1 and 8-10 of the second demarcation instructions). This work is being held up by the failure of one or both parties to provide the Commission with the degree of cooperation that is essential to enable it to continue its demarcation work;

(e) Work remains to be done by the demarcation team on the field assessment of pillar sites in the Central Sector (paras. 12-15 of the schedule; paras. 2-7 and 11-14 of the second demarcation instructions). This consequently affects the production and subsequent processing of marked maps for that Sector (paras. 16 and 21 of the schedule) and in due course the final maps (para. 30 of the schedule). This work is being held up by the failure of one or both parties to provide

the Commission with the degree of cooperation that is essential to enable it to continue its demarcation work;

Western Sector

(f) Work remains to be done by the demarcation team on the field assessment of pillar sites in the Western Sector (paras. 19, 20, 22 and 23 of the schedule; para. 18 of the second demarcation instructions). This consequently affects the production and subsequent processing of marked maps for that Sector (paras. 24 and 28 of the schedule) and in due course the final map (para. 33 of the schedule). This work is being held up by the failure of one or both parties to provide the Commission with the degree of cooperation that is essential to enable it to continue its demarcation work;

Islands

(g) Work remains to be done by the demarcation team in relation to certain islands (paras. 20 and 21 of the second demarcation instructions). This work is being held up by the failure of one or both parties to provide the Commission with the degree of cooperation that is essential to enable it to continue its demarcation work.

2. Expeditious progress in the demarcation of the boundary as mandated by the Security Council requires that the parties take the action necessary to enable outstanding matters to be dealt with. In particular, for progress to be made:

(a) Ethiopia must appoint its field liaison officers;

(b) In particular, in order to enable contracts to be signed for the physical work of demarcation:

(i) Each party must state in writing to the Commission that it will place no obstacles in the way of the completion of the demarcation process in all three Sectors, in implementation of the delimitation of the whole of the boundary laid down by the delimitation decision of 13 April 2002;

(ii) Each party must make the necessary arrangements to ensure the security of all personnel engaged on demarcation work in territories under their control;

(c) Eritrea, and so far as necessary Ethiopia, must expressly undertake to allow the necessary work to be done at Tserona, as contemplated in paragraph 1 of the second demarcation instructions;

(d) Ethiopia, and so far as necessary Eritrea, must expressly undertake to allow the necessary work to be done at and in the vicinity of Zalambessa, as contemplated in paragraphs 1 and 7-10 of the second demarcation instructions;

(e) Ethiopia, and so far as necessary Eritrea, must expressly undertake to allow the necessary work to be done at other locations in the Central Sector, as contemplated in paragraphs 2-6 and 11-17 of the second demarcation instructions;

(f) Ethiopia, and so far as necessary Eritrea, must expressly undertake to allow the necessary work to be done at points 6 and 9, as contemplated in paragraph 18 of the second demarcation instructions, whatever the effect of the demarcation on sovereignty over the areas currently protested by Ethiopia, in particular Badme;

(g) Both parties must expressly undertake to cooperate with the Commission and its demarcation team in relation to the work to be done in respect of islands, as contemplated in paragraph 21 of the second demarcation instructions.

Appendix II

Extract from the opening statement of the President of the Eritrea-Ethiopia Boundary Commission at the meeting with the parties of 19 November 2003

The Commission attaches great importance to this meeting and is very glad that both parties have agreed to come to it. The importance of the meeting lies in the fact that it represents, effectively, or possibly, the last opportunity that exists for the parties to advance the work of the Commission.

For the last 18 months, the Commission has been trying to implement the second part of the mandate given to it in the Algiers Agreement. The Commission completed the first stage of its work, the delimitation of the boundary, in the April 2002 decision. That decision, which defined the boundary between the parties, was binding on them and both accepted it as binding. There can, therefore, be no question as to what the boundary formally is, subject only to the specific and limited qualifications mentioned in the decision.

The second stage of the Commission's work is demarcation, namely the placing of markers along the defined boundary, thus supplementing the delimited line by a series of physical points between which the boundary line runs. That is what we are concerned with now.

Our agenda for the meeting is deliberately general in character, so that, in addition to the points that the Commission wishes to identify for discussion, each party will have an opportunity to present its views as to how the demarcation should proceed. I should say straight away that we may not adhere in absolutely literal terms to what you find on the agenda sheet, but, essentially, the agenda reflects what we want to talk about.

To a limited extent, the Commission has achieved some success in its work, in that in the Eastern Sector it has established on the ground the location of the actual points between which the boundary line runs. In that section, extending from point 32 to point 41, all that remains to be done is the placement of the boundary pillars and subsequent surveys of their coordinates. However, for this task to be carried out, it is necessary that a contract should be concluded between the United Nations and the contractors. No contractor will enter into such a contract unless he can be assured of security for his employees. The provision of security is a responsibility resting on both parties in relation to the territory in possession of each. Talks have taken place between each of the parties individually and the field staff of the Commission. Eritrea has given details of its arrangements in this connection, but, as yet, we have not received details from Ethiopia.

The Commission has included security in today's agenda so that the parties can each confirm or amplify their positions in this regard. If there is certainty about the security arrangements, it should be possible to negotiate the necessary contracts for pillar emplacement. This is a matter in the hands of the United Nations, since the payment to the contractors will be made out of the United Nations trust fund, which is under the control of the United Nations and can only be dispensed in accordance with strict United Nations accounting rules.

The Commission has always considered that the demarcation must cover the whole boundary, though, obviously, that demarcation cannot take place everywhere at once. Initially, the Commission thought that there might be convenience in demarcating the boundary in the Western and Central Sectors first. In the circumstances that have developed, however, it now appears that the demarcation process could better begin in the Eastern Sector. Subject to the conclusion of the relevant contract, this could start at an early date. But the Commission now finds itself confronted by a major problem. We want to know clearly what are the present positions of the parties. Our own understanding is that Eritrea takes the position that it will not agree to demarcation of part only of the boundary unless it is assured that demarcation will continue without fail in the other two Sectors. Ethiopia, on the other hand, while being willing to accept demarcation in the Eastern Sector, is not willing to agree to demarcation in the Western Sector and in most of the Central Sector, with the exception of demarcation along the Mareb River, until its concerns about certain points have been met.

This disagreement between the two sides has led to the impasse, which is of great concern not only to the Commission but also, as is evident from the United Nations documents, to the Security Council.

How are we to overcome the present impasse? The way out can only be achieved by some relaxation of the hitherto firm positions taken by each party. So it is to explore that possibility that we have arranged the present meeting.

Let me emphasize straight away that this is not a meeting to negotiate any amendment of the April 2002 delimitation decision. As the Algiers Agreement required, that decision has been accepted by both parties and is binding and inviolable. Whatever we do here can only be done within that framework. It is not for the Commission to propose or to conduct negotiations between the parties for modification of the delimitation decision, nor is it for the Commission to suggest any elements of such a dialogue between the parties, as, for example, an understanding that any adjustment of the delimited boundary in favour of one side should be accompanied by a compensatory adjustment in favour of the other. Such elements can only emerge from direct agreement between the two sides. But that does not mean that there is no scope for working out a procedure that would enable the demarcation process to be taken some significant distance further, in the hope that such an advance will be a confidence-building measure that will support further agreement between the parties.

At two specific points, the decision left room for some completion or amendment of what was there laid down, though without the intention of thereby opening up the decision generally to proposals for amendment. These were as follows: first, in relation to the boundary around Tserona, as foreseen in paragraph 8.1 (b) (iv) of the decision, and second in relation to the boundary around Zalambessa, as provided in paragraph 8 (1) (b) (vi).

Subsequently, the Commission acknowledged that the boundary could not be demarcated with absolute rigidity. In its observations of 21 March 2003, the Commission stated in paragraph 8 that "Hence consistent with the parties' prescription that the delimitation be final, the scope for any clarification or deviation from the boundary, which the Boundary Commission laid down, is very limited. In the Commission's view, a demarcator must demarcate the boundary as it has been laid down in the delimitation instrument, but with a limited margin of appreciation,

enabling it to take account of any flexibility in the terms of the delimitation itself or of the scale and accuracy of maps used in the delimitation process and to avoid establishing a boundary which is manifestly impracticable."

In addition, the Commission said in paragraph 20 of its observations: "Nonetheless, in the light of further work done in the exercise of its demarcation function, the Commission has identified two areas in the Central Sector where a strict application of the line as delimited in the delimitation decision would be manifestly impracticable, namely certain plateau lands in the vicinity of point 18 on the boundary and the area of the delta-like formation where the Regale River flows into the Salt Lake. Demarcation instructions relating to these areas will be issued later."

Further, in its demarcation instructions of 22 August 2003, the Commission repeated its instructions regarding Tserona and Zalambessa. The Commission also stated in paragraphs 7 and 8 that "The demarcation team shall investigate the area north of the Muna/Bebero-Gado in order to determine whether there is a physical barrier affecting access from the north to the northern side of the river that makes the boundary as set out in the delimitation decision manifestly impracticable."

Then, in paragraph 8, it stated that "The demarcation team shall examine whether the delimitation as contemplated in the Commission's delimitation decision is manifestly impracticable so as instead to require running a series of straight lines in a generally east and south-east direction from the north-eastern point of the outer boundary of Zalambessa as proposed by Ethiopia in its comments."

The Commission also gave instructions for the identification of the Eritrean claim line referred to in paragraph 8 (1) (b) (v) of the delimitation decision; in paragraph 18, required the demarcation team to fix the positions of points 6 and 9; and gave instructions in paragraph 20 regarding demarcation in relation to river boundaries and islands.

The fact that I do not repeat all the other items covered by these demarcation instructions does not mean that they are no longer operative, only that they are points of detail that need not be covered now.

Without disregarding the views expressed by the parties, the Commission does not see why progress should not be made with the implementation of these demarcation instructions. The Commission hopes that this meeting will focus on that prospect.

Annex II

United Nations Mission in Ethiopia and Eritrea: contributions as at 14 November 2003

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	8			8	
Australia			2	2	
Austria	2		1	3	
Bangladesh	7	168	4	179	
Benin			2	2	
Bosnia and Herzegovina	9			9	
Bulgaria	5		2	7	
Canada					
China	6			6	
Croatia	7			7	
Czech Republic	2			2	
Denmark	4			4	
United Kingdom	1		2	3	1
Finland	7	182	12	201	
France			1	1	
Gambia	4		2	6	
Ghana	11		7	18	
Greece	3			3	
India	7	1 524	19	1 550	
Iran (Islamic Republic of)	2			2	
Ireland					
Italy	5	50		55	16
Jordan	7	943	15	965	
Kenya	11	672	12	695	
Malaysia	7		4	11	
Namibia	3		1	4	
Nepal	5			5	
Netherlands					
Nigeria	7		4	11	
Norway	5			5	
Paraguay	2			2	
Peru	2			2	
Poland	6			6	
Romania	8			8	
Russian Federation	6			6	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Singapore					
Slovakia		197	3	200	
Spain	3		2	5	
South Africa	5		5	10	
Sweden	6			6	
Switzerland	4			4	
Tunisia	2		3	5	
Ukraine	7			7	
United Republic of Tanzania	8		3	11	
United States of America	6			6	
Uruguay	5	33	3	41	
Zambia	10		4	14	
Total	**215**	**3 769**	**114**	**4 098**	**17**